



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

August 7, 1990

Mr. A.W. Pogue
Commissioner
State Board of Insurance
1110 San Jacinto
Austin, Texas 78701-1998

OR90-363

Dear Mr. Pogue:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9469.

On April 17, 1990, you received a request for "any and all records and documents" concerning Anatole Insurance Company, Ltd. You referred this matter to our office by letter of April 26, 1990, stating that this information was excepted from disclosure by section 3(a)(3) as information related to anticipated litigation. Based on the information you provide in your letter, we agree that litigation is reasonably anticipated.

We have considered the exception you claimed and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 551, a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information. However, if this information is made available to the opposing parties in the lawsuit, the policy underlying section 3(a)(3) will have been served and the information may no longer be withheld under that exception. See Open Records Decision No. 551 at 4.

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-363.

Yours very truly,

Susan Garrison
Susan Garrison
Assistant Attorney General
Opinion Committee

SG/le

Ref.: ID# 9469

Enclosure: Open Records Decision No. 551

cc: Kay Simonton
Deputy Commissioner for Life Group

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